



GENERAL ASSEMBLY

COMMONWEALTH OF KENTUCKY

2013 REGULAR SESSION

HOUSE BILL NO. 54

AS ENACTED

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ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY R. Adles

1 AN ACT relating to government operations.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 36 IS CREATED TO
4 READ AS FOLLOWS:

5 *Notwithstanding KRS 367.97501 to 367.97537 or any other statute relating to the*
6 *disposition of remains, if a decedent died while in active military service, including*
7 *state active duty with the National Guard, the person designated by the decedent on the*
8 *United States Department of Defense Record of Emergency Data, DD Form 93, or its*
9 *successor form, shall have the primary authority and responsibility for the final*
10 *disposition of the decedent's remains.*

11 ➔Section 2. KRS 117.085 is amended to read as follows:

12 (1) All requests for an application for an absentee ballot may be transmitted by
13 telephone, facsimile machine, by mail, by electronic mail, or in person. Except as
14 provided in paragraph (b) of this subsection, all applications for an absentee ballot
15 shall be transmitted only by mail to the voter or in person at the option of the voter,
16 except that the county clerk shall hand an application for an absentee ballot to a
17 voter permitted to vote by absentee ballot who appears in person to request the
18 application, or shall mail the application to a voter permitted to vote by absentee
19 ballot who requests the application by telephone, facsimile machine, or mail. The
20 absentee ballot application may be requested by the voter or the spouse, parents, or
21 children of the voter, but shall be restricted to the use of the voter. Except for
22 qualified voters who apply pursuant to the requirements of KRS 117.075 and
23 117.077, those who are incarcerated in jail but have yet to be convicted, military
24 personnel confined to a military base on election day, and persons who qualify
25 under paragraph (a)7. of this subsection, absentee ballots shall not be mailed to a
26 voter's residential address located in the county in which the voter is registered. In
27 the case of ballots returned by mail, the county clerk shall provide an absentee

1 ballot, two (2) official envelopes for returning the ballot, and instructions for voting
2 to a voter who presents a completed application for an absentee ballot as provided
3 in this section and who is properly registered as stated in his or her application.

4 (a) The following voters may apply to cast their votes by mail-in absentee ballot
5 if the application is received not later than the close of business hours seven
6 (7) days before the election:

- 7 1. Voters permitted to vote by absentee ballot pursuant to KRS 117.075;
- 8 2. Voters who are residents of Kentucky who are members of the Armed
9 Forces, dependents of members of the Armed Forces, and citizens
10 residing overseas;
- 11 3. Voters who are students who temporarily reside outside the county of
12 their residence;
- 13 4. Voters who are incarcerated in jail who have been charged with a crime
14 but have not been convicted of the crime;
- 15 5. Voters who change their place of residence to a different state while the
16 registration books are closed in the new state of residence before an
17 election of electors for President and Vice President of the United
18 States, who shall be permitted to cast an absentee ballot for electors for
19 President and Vice President of the United States only;
- 20 6. Voters who temporarily reside outside the state but who are still eligible
21 to vote in this state; and
- 22 7. Voters who are prevented from voting in person at the polls on election
23 day and from casting an absentee ballot in person in the county clerk's
24 office on all days absentee voting is conducted prior to election day
25 because their employment location requires them to be absent from the
26 county all hours and all days absentee voting is conducted in the county
27 clerk's office.

1 (b) Residents of Kentucky who are members of the Armed Forces, dependents of
2 members of the Armed Forces, and overseas citizens, may apply for an
3 absentee ballot by means of the federal post-card application, which may be
4 transmitted to the county clerk's office by mail or by facsimile machine. The
5 application may be used to register, reregister, and to apply for an absentee
6 ballot. If the federal post-card application is received at any time not less than
7 seven (7) days before the election, the county clerk shall affix his or her seal to
8 the application form upon receipt.

9 (c) Absentee voting shall be conducted in the county clerk's office or other place
10 designated by the county board of elections and approved by the State Board
11 of Elections during normal business hours for at least the twelve (12) working
12 days before the election. A county board of elections may permit absentee
13 voting to be conducted on a voting machine for a period longer than the
14 twelve (12) working days before the election.

15 (d) Any qualified voter in the county who is not permitted to vote by absentee
16 ballot under paragraph (a) of this subsection who will be absent from the
17 county on any election day may, at any time during normal business hours on
18 those days absentee voting is conducted in the county clerk's office, make
19 application in person to the county clerk to vote on a voting machine in the
20 county clerk's office or other place designated by the county board of elections
21 and approved by the State Board of Elections.

22 (e) The following voters may, at any time during normal business hours on those
23 days absentee voting is conducted in the county clerk's office, make
24 application in person to the county clerk to vote on a voting machine in the
25 county clerk's office or other place designated by the county board of elections
26 and approved by the State Board of Elections:

27 1. Voters who are residents of Kentucky who are members of the Armed

- 1 Forces, dependents of members of the Armed Forces, and citizens
2 residing overseas, who will be absent from the county on any election
3 day;
- 4 2. Voters who are students who temporarily reside outside the county of
5 their residence;
- 6 3. Voters who have surgery scheduled that will require hospitalization on
7 election day, and the spouse of the voter;
- 8 4. Voters who temporarily reside outside the state but who are still eligible
9 to vote in this state and who will be absent from the county on any
10 election day;
- 11 5. Voters who are residents of Kentucky who are members of the Armed
12 Forces confined to a military base on election day and who learn of that
13 confinement within seven (7) days or less of an election and are not
14 eligible for a paper absentee ballot under this subsection; and
- 15 6. A voter who is a pregnant woman in her last trimester of pregnancy at
16 the time she wishes to vote under this paragraph. The application form
17 for a voter under this subparagraph shall be prescribed by the State
18 Board of Elections, which shall contain the woman's sworn statement
19 that she is in fact in her last trimester of pregnancy at the time she
20 wishes to vote.
- 21 (f) Voters who change their place of residence to a different state while the
22 registration books are closed in the new state of residence before a presidential
23 election shall be permitted to cast an absentee ballot for President and Vice
24 President only, by making application in person to the county clerk to vote on
25 a voting machine in the county clerk's office or other place designated by the
26 county board of elections and approved by the State Board of Elections.
- 27 (g) Any member of the county board of elections, any precinct election officer

1 appointed to serve in a precinct other than that in which he or she is registered,
2 any alternate precinct election officer, any deputy county clerk, any staff for
3 the State Board of Elections, and any staff for the county board of elections
4 may vote on a voting machine in the county clerk's office or other place
5 designated by the county board of elections, and approved by the State Board
6 of Elections, up to the close of normal business hours on the day before the
7 election. The application form for those persons shall be prescribed by the
8 State Board of Elections and, in the case of application by precinct election
9 officers, shall contain a verification of appointment signed by a member of the
10 county board of elections. If an alternate precinct election officer or a precinct
11 election officer appointed to serve in a precinct other than that in which he or
12 she is registered receives his or her appointment while absentee voting is
13 being conducted in the county, such officer may vote on a voting machine in
14 the county clerk's office or other place designated by the county board of
15 elections, and approved by the State Board of Elections, up to the close of
16 normal business hours on the day before the election. In case of such voters,
17 the verification of appointment shall also contain the date of appointment. The
18 applications shall be restricted to the use of the voter only.

- 19 (h) The members of the county board of elections or their designees who provide
20 equal representation of both political parties may serve as precinct election
21 officers, without compensation, for all absentee voting performed on a voting
22 machine in the county clerk's office or other place designated by the county
23 board of elections and approved by the State Board of Elections. If the
24 members of the county board of elections or their designees serve as precinct
25 election officers for the absentee voting, they shall perform the same duties
26 and exercise the same authority as precinct election officers who serve on the
27 day of an election. If the members of the county board of elections or their

1 designees do not serve as precinct election officers for the absentee voting, the
2 county clerk or deputy county clerks shall supervise the absentee voting.

3 (i) Any individual qualified to appoint challengers for the day of an election may
4 also appoint challengers to observe all absentee voting performed at the
5 county clerk's office or other place designated by the county board of
6 elections, and approved by the State Board of Elections, and those challengers
7 may exercise the same privileges as challengers appointed for observing
8 voting on the day of an election at a regular polling place.

9 (2) The clerk shall type the name of the voter permitted to vote by absentee ballot on
10 the application form for that person's use and no other. The absentee ballot
11 application form shall be in the form prescribed by the State Board of Elections,
12 shall bear the seal of the county clerk, and shall contain the following information:
13 name, residential address, precinct, party affiliation, statement of the reason the
14 person cannot vote in person on election day, statement of where the voter shall be
15 on election day, statement of compliance with residency requirements for voting in
16 the precinct, and the voter's mailing address for an absentee ballot. The form shall
17 be verified and signed by the voter. A notice of the actual penalty provisions in KRS
18 117.995(2) and (5) shall be printed on the application.

19 (3) If the county clerk finds that the voter is properly registered as stated in his or her
20 application and qualifies to receive an absentee ballot by mail, he or she shall mail
21 to the voter an absentee ballot, two (2) official envelopes for returning the ballot,
22 and instructions for voting. The county clerk shall complete a postal form for a
23 certificate of mailing for ballots mailed within the fifty (50) states, and it shall be
24 stamped by the postal service when the ballots are mailed. An absentee ballot may
25 be transmitted by facsimile machine to a resident of Kentucky who is a member of
26 the Armed Forces, a dependent of a member of the Armed Forces, or a citizen
27 residing overseas.

- 1 (4) Absentee ballots which are requested prior to the printing of the ballots shall be
2 mailed by the county clerk to the voter within three (3) days of the receipt of the
3 printed ballots; and absentee ballots which are requested subsequent to the receipt
4 of the ballots by the county clerk shall be mailed to the voter within three (3) days
5 of the receipt of the request.
- 6 (5) The clerk shall cause ballots to be printed fifty (50) days prior to each primary or
7 general election.
- 8 (6) The outer envelope shall bear the words "Absentee Ballot" and the address and
9 official title of the county clerk and shall provide space for the voter's signature,
10 voting address, precinct number, and signatures of two (2) witnesses if the voter
11 signs the form with the use of a mark instead of the voter's signature. A detachable
12 flap on the inner envelope shall provide space for the voter's signature, voting
13 address, precinct number, signatures of two (2) witnesses if the voter signs the form
14 with the use of a mark instead of the voter's signature and notice of penalty provided
15 in KRS 117.995(5). The clerk shall type the voter's address and precinct number in
16 the upper left hand corner of the outer envelope and of the detachable flap on the
17 inner envelope immediately below the blank space for the voter's signature. The
18 inner envelope shall be blank. The clerk shall retain the application and the postal
19 form required by subsection (3) of this section for twenty-two (22) months after the
20 election.
- 21 (7) Any person who has received an absentee ballot by mail but who knows at least
22 seven (7) days before the date of the election that he or she will be in the county on
23 election day and who has not voted pursuant to the provisions of KRS 117.086 shall
24 cancel his or her absentee ballot and vote in person. The voter shall return the
25 absentee ballot to the county clerk's office no later than seven (7) days prior to the
26 date of the election. Upon the return of the absentee ballot, the clerk shall mark on
27 the outer envelope of the sealed ballot or the unmarked ballot the words "Canceled

1 because voter appeared to vote in person." Sealed envelopes so marked shall not be
2 opened. The clerk shall remove the voter's name from the list of persons who were
3 sent absentee ballots, and the voter may vote in the precinct in which he or she is
4 properly registered.

5 (8) Any voter qualified for a mail-in absentee ballot who does not receive a requested
6 mail-in ballot within a reasonable amount of time shall contact the county clerk,
7 who shall reissue a second ballot. The county clerk shall keep a record of the
8 absentee ballots issued and returned by mail, and the absentee voting that is
9 performed on the voting machine in the county clerk's office or other place
10 designated by the county board of elections and approved by the State Board of
11 Elections, to verify that only the first voted ballot to be returned by the voter is
12 counted. Upon the return of any ballot after the first ballot is returned, the clerk
13 shall mark on the outer envelope of the sealed ballot the words "Canceled because
14 ballot reissued."

15 (9) Any member of the military who has received an absentee ballot by mail but who
16 knows that he or she will be in the county on election day and who has not voted
17 pursuant to the provisions of KRS 117.086 shall cancel his or her absentee ballot
18 and vote in person. The voter shall return the absentee ballot to the county clerk's
19 office on or before election day. Upon the return of the absentee ballot, the clerk
20 shall mark on the outer envelope of the sealed ballot or the unmarked ballot the
21 words "Canceled because voter appeared to vote in person." Sealed envelopes so
22 marked shall not be opened. The clerk shall remove the voter's name from the list of
23 persons who were sent absentee ballots, provide the voter with written authorization
24 to vote at the precinct, and the voter may vote in the precinct in which he or she is
25 properly registered.

26 (10) Notwithstanding the provisions of the Kentucky Open Records Act, KRS 61.870
27 to 61.884, the information contained in an application for an absentee ballot

shall not be made public until after the close of business hours on the election day for which the application applies. This subsection shall not prohibit at any time the disclosure, upon request, of the total number of applications for absentee ballots that have been filed, or the disclosure to the Secretary of State or the State Board of Elections, if requested or if otherwise required by law, of any information in an application for an absentee ballot.

➔Section 3. KRS 117.086 is amended to read as follows:

- (1) The voter returning his absentee ballot by mail shall mark his ballot, seal it in the inner envelope and then in the outer envelope, and mail it to the county clerk as shall be provided by this chapter. The voter shall sign the detachable flap and the outer envelope in order to validate the ballot. A person having power of attorney for the voter and who signs the detachable flap and outer envelope for the voter shall complete the voter assistance form as required by KRS 117.255. The signatures of two (2) witnesses are required if the voter signs the form with the use of a mark instead of the voter's signature. A resident of Kentucky who is a member of the Armed Forces, a dependent of a member of the Armed Forces, or a citizen residing overseas who has received an absentee ballot transmitted by facsimile machine shall transmit the voted ballot to the county clerk by mail only, conforming with ballot security requirements that may be promulgated by the state board by administrative regulation. In order to be counted, the ballots shall be received by the clerk by at least the time established by the election laws generally for the closing of the polls, which time shall not include the extra hour during which those voters may vote who were waiting in line to vote at the scheduled poll closing time.
- (2) Any voter who shall be absent from the county on election day, but who does not qualify to receive an absentee ballot by mail under the provisions of KRS 117.085, and all voters qualified to vote prior to the election under the provisions of KRS 117.085, shall vote at the main office of the county clerk or other place designated

1 by the county board of elections, and approved by the State Board of Elections,
2 prior to the day of election. The clerk may provide for such voting by the voting
3 equipment in general use in the county either at the precinct, the equipment as may
4 be used to tabulate absentee ballots, or any other voting equipment approved by the
5 State Board of Elections for use in Kentucky, except as follows:

6 (a) Any voter qualifying to vote in the clerk's office or other place designated by
7 the county board of elections, and approved by the State Board of Elections,
8 who receives assistance to vote shall complete the voter assistance form
9 required by KRS 117.255.

10 (b) Any voter qualifying to vote in the clerk's office or other place designated by
11 the county board of elections, and approved by the State Board of Elections,
12 whose qualifications are challenged by any clerk or deputy shall complete an
13 "Oath of Voter" affidavit.

14 (3) When the clerk uses general voting equipment as provided for in subsection (2) of
15 this section, each voter casting his vote at the clerk's office or other place designated
16 by the county board of elections, and approved by the State Board of Elections,
17 shall sign an "Absentee Ballot Signature Roster."

18 (4) The clerk shall designate a location within his office where the ballots shall be cast
19 secretly. The county clerk, with the approval of the State Board of Elections, may
20 establish locations other than his main office in which the voters may execute their
21 ballots. Public notice of the locations shall be given pursuant to KRS Chapter 424
22 and similar notice by mail shall be given to the county chairmen of the two (2)
23 political parties whose candidates polled the largest number of votes in the county at
24 the last general election.

25 (5) The State Board of Elections shall promulgate administrative regulations to provide
26 for casting ballots as provided in subsection (2) of this section.

27 (6) The clerk shall deposit all of the absentee ballots returned by mail in a locked ballot

box immediately upon receipt without opening the outer envelope. The ballot box shall be locked with three (3) locks. The keys to the box shall be retained by the three (3) members of the central absentee ballot counting board, if one is appointed, or by the members of the board of elections, and the box shall remain locked until the ballots are counted. All voting equipment on which ballots are cast as permitted in subsection (2) of this section shall also remain locked and the keys shall be retained by the three (3) members of the central absentee ballot counting board, if one is appointed, or by the members of the board of elections, and the equipment shall remain locked until the ballots are counted.

(7) The clerk shall keep a list for each election of all persons who return their absentee ballots by mail or cast their ballots in the clerk's office or other place designated by the county board of elections[,] and approved by the State Board of Elections, and shall send a copy of each~~[that]~~ list to the state board after the election day for which the list applies. Notwithstanding the provisions of the Kentucky Open Records Act, KRS 61.870 to 61.884, each list of all persons who return their absentee ballots by mail or cast their ballots in the clerk's office or other designated and approved place shall not be made public until after the close of business hours on the election day for which the list applies. The county clerk and the Secretary of State shall keep a record of the number of votes cast by absentee ballots returned by mail and on the voting machine in the county clerk's office or other place designated by the county board of elections, and approved by the State Board of Elections, cast in any election as a part of the official returns of the election.

(8) The county board of elections shall report to the State Board of Elections within ten (10) days after any primary or general election as to the number of rejected absentee ballots and the reasons for rejected absentee ballots on a form prescribed by the State Board of Elections in administrative regulations promulgated under KRS

Chapter 13A.

→SECTION 4. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO
READ AS FOLLOWS:

(1) The student body president of each four (4) year public university, the two (2) student regents to be designated by the board of regents of the Kentucky Community and Technical College System, and one (1) student body president representing the members of the Association of Independent Kentucky Colleges and Universities shall serve on an advisory board to be known as the Board of Student Body Presidents. The student body president representing the independent colleges and universities shall be selected under a process established by the Association of Independent Kentucky Colleges and Universities.

(2) The Board of Student Body Presidents shall advise the legislative and executive branches regarding postsecondary education issues and concerns of students.

(3) At least once each year, the Board of Student Body Presidents shall meet with the Council on Postsecondary Education and the Advisory Conference of Presidents.

(4) The Board of Student Body Presidents shall submit the names of three (3) nominees to the Governor for consideration in the appointment of a student member to the Council on Postsecondary Education pursuant to KRS 164.011.

→Section 5. KRS 164.011 is amended to read as follows:

(1) There is hereby created and established a Council on Postsecondary Education in Kentucky as an agency, instrumentality, and political subdivision of the Commonwealth and a public body corporate and politic having all powers, duties, and responsibilities as are provided to it by law, appointed for a term set by law pursuant to Section 23 of the Constitution of Kentucky. The council shall be composed of the commissioner of education, a faculty member, a student member, and thirteen (13) citizen members appointed by the Governor. The citizen members

1 shall be confirmed by the Senate and the House of Representatives under KRS
2 11.160, and the commissioner of education shall serve as a nonvoting ex officio
3 member. Citizen council members shall be selected from a list of nominees
4 provided to the Governor under the nominating process set forth in KRS 164.005. If
5 the General Assembly is not in session at the time of the appointment, persons
6 appointed shall serve prior to confirmation, but the Governor shall seek the consent
7 of the General Assembly at the next regular session or at an intervening
8 extraordinary session if the matter is included in the call of the General Assembly.

9 (2) By no later than thirty (30) days after May 30, 1997, the Governor's Postsecondary
10 Education Nominating Committee shall submit nominations to the Governor as set
11 forth in KRS 164.005. On making appointments to the council, the Governor shall
12 assure broad geographical and political representation; assure equal representation
13 of the two (2) sexes, inasmuch as possible; assure no less than proportional
14 representation of the two (2) leading political parties of the Commonwealth based
15 on the state's voter registration; and assure that appointments reflect the minority
16 racial composition of the Commonwealth. In filling vacancies to the council, the
17 Governor shall act so as to provide, inasmuch as possible, equal representation of
18 the two (2) sexes by appointing a member of the sex that is the lesser represented at
19 the time of the appointment. If the remaining membership already has an equal
20 number of males and females, the Governor may appoint a member of either sex.
21 No more than two (2) members of the council shall hold an undergraduate degree
22 from any one (1) Kentucky university, and no more than three (3) voting members
23 of the council shall reside in any one (1) judicial district of the Kentucky Supreme
24 Court as of the date of the appointment. However, change in residency after the date
25 of appointment shall not affect the ability to serve.

26 (3) One (1) member shall be a full-time faculty member employed at a state institution
27 of postsecondary education. The faculty member shall be appointed to a four (4)

1 year term by the Governor from a list of three (3) nominees selected and submitted
 2 by majority vote of the ten (10) faculty members who serve as faculty
 3 representatives of the boards of trustees and boards of regents of the nine (9)
 4 postsecondary education institutions.

5 (4) One (1) member shall be enrolled as a full-time student at a state institution of
 6 postsecondary education and shall be selected annually in the following manner: not
 7 later than June 1 of each year the eight (8) student body presidents of the four (4)
 8 year state public institutions of higher education, ~~and~~ the two (2) student members
 9 to the Kentucky Community and Technical College System, and one (1) student
 10 body president representing the members of the Association of Independent
 11 Kentucky Colleges and Universities shall elect by majority vote three (3) nominees
 12 to submit to the Governor. From this list of nominees, the Governor shall appoint a
 13 student member.

14 (5) In filling any vacancies, the Governor shall ensure the continuing representation
 15 upon the council of the broad constituencies as set forth in subsection (2) of this
 16 section. Vacancies on the council shall be filled for the unexpired term in
 17 accordance with the procedures established for the original appointments.

18 (6) Each citizen member shall serve a term of six (6) years, except the initial
 19 appointments shall be as follows:

- 20 (a) Two (2) appointments shall expire December 31, 1997;
- 21 (b) Three (3) appointments shall expire December 31, 1998;
- 22 (c) Two (2) appointments shall expire December 31, 1999;
- 23 (d) Two (2) appointments shall expire December 31, 2000;
- 24 (e) Two (2) appointments shall expire December 31, 2001; and
- 25 (f) Two (2) appointments shall expire December 31, 2002.

26 (7) Any person, other than the chief state school officer, holding either an elective or
 27 appointive state office or who is a member of the governing board of any state

1 university in Kentucky, shall be ineligible for membership or appointment on the
2 council during his term.

3 (8) The members of the council shall elect the chair and the vice chair of the council
4 from among the council's membership, and the chair and vice chair shall serve at
5 the pleasure of the council. The vice chair shall serve as chair in the absence of the
6 chair.

7 (9) The council shall meet at least quarterly and at other times upon the call of the chair
8 or a majority of the council.

9 (10) A quorum shall be a majority of the appointive membership of the council.

10 (11) A quorum shall be required to organize and conduct the business of the council,
11 except that an affirmative vote of eight (8) or more appointive members of the
12 entire council shall be required to dismiss from employment the president of the
13 council, and to adopt or amend the state strategic postsecondary education agenda.

14 (12) New appointees to the council shall not serve more than two (2) consecutive terms.
15 Appointees after May 30, 1997, who previously served on the Council of Higher
16 Education may serve two (2) additional full consecutive terms.

17 ➔Section 6. KRS 610.340 is amended to read as follows:

18 (1) (a) Unless a specific provision of KRS Chapters 600 to 645 specifies otherwise,
19 all juvenile court records of any nature generated pursuant to KRS Chapters
20 600 to 645 by any agency or instrumentality, public or private, shall be
21 deemed to be confidential and shall not be disclosed except to the child,
22 parent, victims, or other persons authorized to attend a juvenile court hearing
23 pursuant to KRS 610.070 unless ordered by the court for good cause.

24 (b) Juvenile court records which contain information pertaining to arrests,
25 petitions, adjudications, and dispositions of a child may be disclosed to
26 victims or other persons authorized to attend a juvenile court hearing pursuant
27 to KRS 610.070.

1 (c) Release of the child's treatment, medical, mental, or psychological records is
2 prohibited unless presented as evidence in Circuit Court. Any records
3 resulting from the child's prior abuse and neglect under Title IV-E or Title IV-
4 B of the Federal Social Security Act shall not be disclosed to victims or other
5 persons authorized to attend a juvenile court hearing pursuant to KRS
6 610.070.

7 (d) Victim access under this subsection to juvenile court records shall include
8 access to records of adjudications that occurred prior to July 15, 1998.

9 (2) The provisions of this section shall not apply to public officers or employees
10 engaged in the investigation of and in the prosecution of cases under KRS Chapters
11 600 to 645 or other portions of the Kentucky Revised Statutes. Any record obtained
12 pursuant to this subsection shall be used for official use only, shall not be disclosed
13 publicly, and shall be exempt from disclosure under the Open Records Act, KRS
14 61.870 to 61.884.

15 (3) The provisions of this section shall not apply to any peace officer, as defined in
16 KRS 446.010, who is engaged in the investigation or prosecution of cases under
17 KRS Chapters 600 to 645 or other portions of the Kentucky Revised Statutes. Any
18 record obtained pursuant to this subsection shall be used for official use only, shall
19 not be disclosed publicly, and shall be exempt from disclosure under the Open
20 Records Act, KRS 61.870 to 61.884.

21 (4) The provisions of this section shall not apply to employees of the Department of
22 Juvenile Justice or cabinet or its designees responsible for any services under KRS
23 Chapters 600 to 645 or to attorneys for parties involved in actions relating to KRS
24 Chapters 600 to 645 or other prosecutions authorized by the Kentucky Revised
25 Statutes.

26 (5) The provisions of this section shall not apply to records disclosed pursuant to KRS
27 610.320 or to public or private elementary and secondary school administrative,

1 transportation, and counseling personnel, to any teacher or school employee with
 2 whom the student may come in contact, or to persons entitled to have juvenile
 3 records under KRS 610.345, if the possession and use of the records is in
 4 compliance with the provisions of KRS 610.345 and this section.

5 (6) No person, including school personnel, shall disclose any confidential record or any
 6 information contained therein except as permitted by this section or other specific
 7 section of KRS Chapters 600 to 645, or except as permitted by specific order of the
 8 court.

9 (7) No person, including school personnel, authorized to obtain records pursuant to
 10 KRS Chapters 600 to 645 shall obtain or attempt to obtain confidential records to
 11 which he is not entitled or for purposes for which he is not permitted to obtain them
 12 pursuant to KRS Chapters 600 to 645.

13 (8) No person, including school personnel, not authorized to obtain records pursuant to
 14 KRS Chapters 600 to 645 shall obtain or attempt to obtain records which are made
 15 confidential pursuant to KRS Chapters 600 to 645 except upon proper motion to a
 16 court of competent jurisdiction.

17 (9) No person shall destroy or attempt to destroy any record required to be kept
 18 pursuant to KRS Chapters 600 to 645 unless the destruction is permitted pursuant to
 19 KRS Chapters 600 to 645 and is authorized by the court upon proper motion and
 20 good cause for the destruction being shown.

21 (10) As used in this section the term "KRS Chapters 600 to 645" includes any
 22 administrative regulations which are lawfully promulgated pursuant to KRS
 23 Chapters 600 to 645.

24 (11) Nothing in this section shall be construed to prohibit a crime victim from
 25 speaking publicly after the adjudication about his or her case on matters within
 26 his or her knowledge or on matters disclosed to the victim during any aspect of a
 27 juvenile court proceeding.

➔SECTION 7. A NEW SECTION OF KRS CHAPTER 600 IS CREATED TO
READ AS FOLLOWS:

Pursuant to the authority granted to the Commonwealth under the Family Educational Rights and Privacy Act, 20 U.S.C. sec. 1232g, when a statute within KRS Chapters 600 to 645 refers to the release of educational records, the purpose of the release shall be limited to providing the juvenile justice system with the ability to effectively serve, prior to adjudication, the needs of the student whose records are sought. Any educational records obtained pursuant to a statute within KRS Chapters 600 to 645 shall only be released to persons authorized by statute and shall not be released to any other person without the written consent of the parent of the child.

➔Section 8. 2013 HB 1/EN shall be amended as follows:

On page 2, by deleting lines 8 through 10 and inserting in lieu thereof the following:

"(4) (a) "Fee" means any user charge, rental fee, assessment, fee, schedule of rates, or tax, other than an ad valorem tax, imposed by a special purpose governmental entity.

(b) "Fee" shall not include any fuel cost adjustment that is:

1. Made pursuant to an agreement with a power supplier;
2. Amended by the power supplier based on the variable cost of fuel; and
3. Passed through to the consumer by the utility pursuant to the agreement between the utility and the power supplier."; and

On page 102, by deleting lines 18 and 19 and inserting in lieu thereof the following:

"(1) Beginning January 1, 2014, the provisions of this section shall apply to any fee or ad valorem tax levied by a special purpose governmental entity."

➔SECTION 9. A NEW SECTION OF KRS CHAPTER 2 IS CREATED TO
READ AS FOLLOWS:

Clark County, Kentucky, is named and designated as the birthplace of beer cheese.

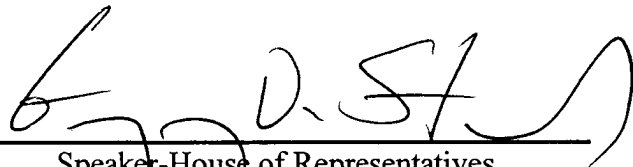
➔Section 10. KRS 61.820 is amended to read as follows:

1 (1) All meetings of all public agencies of this state, and any committees or
2 subcommittees thereof, shall be held at specified times and places which are
3 convenient to the public. In considering locations for public meetings, the agency
4 shall evaluate space requirements, seating capacity, and acoustics.~~[, and]~~

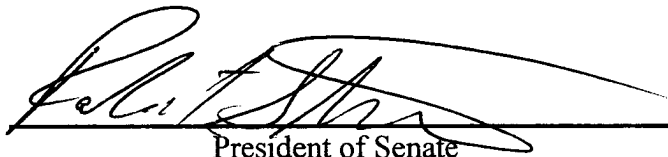
5 (2) All public agencies shall provide for a schedule of regular meetings by ordinance,
6 order, resolution, bylaws, or by whatever other means may be required for the
7 conduct of business of that public agency. The schedule of regular meetings shall be
8 made available to the public.

9 ➔Section 11. KRS 61.840 is amended to read as follows:

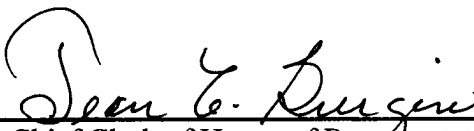
10 No condition other than those required for the maintenance of order shall apply to the
11 attendance of any member of the public at any meeting of a public agency. No person
12 may be required to identify himself in order to attend any such meeting. All agencies shall
13 provide meeting room conditions, including adequate space, seating, and acoustics,
14 which insofar as is feasible allow effective public observation of the public meetings. All
15 agencies shall permit news media coverage, including but not limited to recording and
16 broadcasting.



Speaker-House of Representatives



President of Senate

Attest: 

Chief Clerk of House of Representatives

Approved 

Governor

Date 4-5-13